

P12049

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 679, 13525
15582, 15581, 12049 Issued on
Applications 1379, 17139, 17149,
17235, and 18414,

NORTH TAHOE PUBLIC UTILITY DISTRICT,

Permittee,

PYRAMID LAKE PAIUTE TRIBE OF INDIANS,

Protestant

Order : WR 79-7

Sources: Watson Creek, Lake
Tahoe, and Dollar
Creek

County : Placer

ORDER APPROVING PETITIONS
FOR EXTENSIONS OF TIME

BY BOARD CHAIRMAN MAUGHAN:

The time to complete construction and application of water to be proposed use under Permits 679 (Application 1379), 13525 (Application 17139), 15582 (Application 17149), 15581 (Application 17235), and 12049 (Application 18414) held by North Tahoe Public Utility District (permittee) having expired, petitions for extensions of time were filed by the permittee. A public hearing was held before the State Water Resources Control Board (Board) on August 25, 1977, to determine whether extensions of time should be granted or a license issued and to provide a forum for the Board to receive input for the development of Board policy for the administration of water rights in the Lake Tahoe and Truckee River Basins. Protests having been received to the granting of an extension of time; permittees and interested persons having appeared and presented evidence; the evidence having been duly considered, the Board finds as follows:

Substance of the Permits

1. The substance of Permits 679, 13525, 15582, 15581 and 12049 is summarized in Appendix A, attached hereto. As Appendix A indicates, the source

for all these permits is either Lake Tahoe or tributaries to it. Furthermore, the present development schedule requires completion of construction and application of this water to the proposed use by December 1, 1975.

Permittee's Project

2. Permittee is a major water purveyor for the north shore area of Lake Tahoe. It serves, among other areas, the communities of Cornelian Bay, in part, Lake Forest, Tahoe Vista, and Brockway. The Agate Bay Water Company and Fulton Water Company also serve water in the general northshore area. The service area of the permittee contains a large number of buildable, undeveloped residential lots.

Background

3. On December 8, 1859, the Commissioner of the General Land Office withdrew the lands comprising the Pyramid Lake Indian Reservation, hereinafter referred to as the "reservation", from the public domain for the use of the Pyramid Lake Paiute Tribe of Indians (hereinafter referred to as the "Tribe"). President U. S. Grant later confirmed this withdrawal by an executive order dated March 23, 1874. The reservation contains about 475,000 acres surrounding Pyramid Lake.

4. Pyramid Lake is a body of water located about 30 miles northeast of Reno. It has a surface area of about 110,000 acres and has a present depth of over 300 feet. Pyramid Lake is the terminus of the Truckee River and its tributaries and like many bodies of water in the Great Basin it has no outlet. Consequently, with evaporation of water from the lake the salt concentration or salinity in the lake gradually increases.

5. When the federal government withdrew land from the public domain and reserve it for a federal purpose, it reserved by implication appurtenant water then unappropriated to the extent needed to carry out

the purpose of the reservation. This principle of law was first stated in the landmark case entitled Winters v. United States, 207 U.S. 564, 28 S.Ct. 207 (1908) and it is commonly called the "Winters doctrine". It has been followed by a long line of cases. See United States v. New Mexico, ___ U.S. ___, 96 S.Ct. 3012 (1978); Cappaert v. United States, 426 U.S. 128, 96 S.Ct. 2062 (1976) and the cases cited in them.

6. On June 17, 1902 the Reclamation Act of 1902 (32 Stat. 388) became law and immediately thereafter on July 2, 1902 the Secretary of Interior authorized the construction and operation of the Newlands project under the Reclamation Act of 1902. The Newlands Project contemplated diversion of water from both the Truckee River and Carson River for use on arid lands surrounding Fallon, Nevada.

7. On March 13, 1913, the United States commenced a quiet title action in the United States District Court for the District of Nevada, entitled United States of America v. Orr Ditch Water Company, et al., in Equity No. A-3, hereinafter referred to as the "Orr Ditch" case. On September 8, 1944, the court entered a final decree in the Orr Ditch case. The reservation was awarded a Winters doctrine reserved water right with a priority date of December 8, 1859, for irrigation of land within the reservation.

8. The United States commenced an action on its own behalf and on behalf of the Tribe on December 21, 1973, in United States District Court for the District of Nevada, entitled United States v. Truckee-Carson Irrigation District, et al., Civil No. R-2987 JBA U.S.D.C., Nevada, This action sought, among other things, to establish a Winters doctrine reserved water right in the United States for the maintenance and preservation of Pyramid Lake and the lower reaches of the Truckee River for fishery purposes. The Tribe intervened in these proceedings. On February 5, 1975, the District Court ordered that the affirmative defenses of res judicata and collateral estoppel be bifurcated

for separate trial before the court. On December 12, 1977, the District Court entered a judgement dismissing with prejudice the complaint. The District Court concluded that the doctrine of res judicata precluded the United States and the Tribe from asserting and litigating the alleged Winters doctrine reserved water right for fishery purposes. The United States and the Tribe have appealed the adverse decision to the Ninth Circuit Court of Appeals.

9. At the Board hearing on the petitions for extension of time, one of the parties objected to certain evidence being introduced into the record for Board action on said petitions. Staff was directed to review the evidence proffered and to clarify what constituted the hearing record. On May 11, 1978, staff transmitted a list of testimony, exhibits and closing argument that would be considered the hearing record. Two comments on the list were received. The Tahoe City Public Utility District commented in part:

"1. In connection with Staff Exhibit 11, which is the Environmental Protection Agency 'Final EIS Wastewater Treatment and Conveyance System, North Lake Tahoe-Truckee River Basin (TTSA)', we ask that the Supplement to that Final EIS be included as part of the exhibit....

"2. Since the hearing was held on August 25, 1977, the Federal District Court in Nevada has rendered a decision in the case of United States of America and Pyramid Lake Paiute Tribe of Indians v. Truckee-Carson Irrigation District, et al., Civil No. R-2987-JBA.... A copy of the court's Memorandum Decision, Findings of Fact and Conclusions of Law, Judgment, and Certificate is enclosed. We ask the Board take official notice of this decision and consider it in acting both on the petitions for extension of time and the development of a general policy for the Tahoe-Truckee Basin."

The Pyramid Lake Paiute Tribe of Indians requested that the Board take official notice of the Notices of Appeal and the Order of the Ninth Circuit Court of Appeals allowing the appeal.

10. The Board concludes that the hearing record as set forth in the Board letter dated May 11, 1978 on the petitions for extension of time should be augmented as requested by the Tahoe City Public Utility District and by the

Tribe for the following reasons. Staff Exhibit 11, the "Final EIS Wastewater Treatment and Conveyance System, North Lake Tahoe-Truckee River Basin (TTSA)" was intended to refer to a complete document, which includes the supplement. Tahoe City Public Utility District's first comment merely clarifies what was intended. The court decision referred to by Tahoe City Public Utility District and the Notices of Appeal and Order referred to by the Tribe are quite relevant to Board action on the petitions and they are the type of document which may be officially noticed by the Board.

11. Permittee requested several times during the hearing held on this matter that the place of use under each permit include the entire permittee's service area and that the points of diversion on the tributary streams be transferred to Lake Tahoe, if necessary. (RT 9, 143) The present order does not address these requests because they are not properly before the Board. Chapter 10, Part 2, Division 2 of the Water Code, commencing with Water Code Section 1700, specifies a procedure to bring such requests before the Board.

The Due Diligence of the Permittee

12. Permittee has sufficient pumping and/or intake capacity on the various sources under the permits to put to beneficial use a greater amount of water than the face value of the permits. In addition, permittee has main distribution lines to all existing subdivisions within the permittee's service area except one, the Wood Vista subdivision. Presently, permittee is undertaking a construction program to upgrade the system to improve reliability, efficiency, and public safety aspects of the system. Since the subdivider is responsible to provide distribution systems in any future subdivision, the permittee has the physical ability, pumping equipment, financial means and distribution system

to put the water authorized for diversion by its existing permits to beneficial use. Accordingly, the permittee has been diligent in acquiring the means to put the said water to beneficial use. While permittee does lack customers for its water, this matter is not within the permittee's control.

13. Permittee represents in its petition that its construction program should be complete in 1980 and that the water under the permits will be used in the year 2000. Generally, the Board's policy is to grant extensions, if good cause is shown, consistent with the development and use schedule contemplated by the permittee, if the Board further determines that said development and use schedule is reasonable and constitutes the exercise of due diligence. However, here there are several factors which persuade us that a shorter development and use schedule is appropriate. The pending lawsuit of the United States to establish a "Winters" doctrine reserved right for fishery purposes is a significant factor in the ultimate determination of water right entitlements in the Tahoe Basin. Hopefully the present appeal will be resolved within the next two years. Following such a resolution, Congress should be able to definitively act on the Interstate Compact between the states of California and Nevada regarding use of water in the Tahoe Basin. (See Water Code Section 5976). Finally, additional time will be required for (1) update of the Board's 1969 Tahoe Water use study, (2) adoption of a new Tahoe policy, and (3) hearings on other extension requests. For these reasons the Board expects that more conclusive action may be taken on or before the expiration of two more years from December 1, 1978.

14. Good cause has been shown for an extension of time for each permit to complete construction and application of water to beneficial use under Permit 679 (Application 1379), Permit 13525 (Application 17139), Permit 15582 (Application 17149), Permit 15581 (Application 17235) and Permit 12049 (Application 18414). Said extension shall be granted to December 1, 1980.

15. The Board further concludes that provisions of Permit 679 need to be designated permit term numbers for easy reference and that all the permits need to be updated to include standard terms and conditions.

NOW THEREFORE, IT IS ORDERED THAT:

1. Permit Term 3 of Permit 13525 (Application 17139), Permit Term 9 of Permit 15582 (Application 17149), Permit Term 9 of Permit 15581 (Application 17235), and Permit Term 5 of Permit 12049 (Application 18414) is amended to read as follows:

"Complete application of the water to the proposed use shall be made on or before December 1, 1980." (0000009)

2. The provisions of Permit No. 679 (Application 1379) shall be designated permit term numbers as follows:

a. The following provision of Permit No. 679 shall be designated permit term number one:

"Actual construction work shall begin on or before April 1, 1920 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked." (0000007)

b. The following provision of Permit No. 679 shall be designated permit term number two:

"The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and shall not exceed two thirds (2/3) of one cubic foot per second, or its equivalent in case of rotation." (0000005)

c. The following portion of this New Development Schedule provision of Permit No. 679 as amended shall be designated permit term number three:

"Said construction work shall be completed on or before December 1, 1970."

d. The following portion of the New Development Schedule provision of Permit No. 679 approved by Order dated February 26, 1973 shall be amended and designated permit term number four:

"Complete application of the water to the proposed use shall be made on or before December 1, 1980." (0000009)

3. Permit Term 7 of Permit 12049 (Application 18414), Permit Term 5 of Permit 13525 (Application 17139), Permit Term 11 of Permit 15582 (Application 17149), and Permit Term 11 of Permit 15581 (Application 17235) are amended and a new Permit Term 5 of Permit 679 (Application 1379) is added as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in his permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

4. A new Permit Term 6 of Permit 679 (Application 1379) and a new Permit Term 8 of Permit 12049 (Application 18414) are added as follows:

Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

5. A new Permit Term 7 of Permit 679 (Application 1379) is added as follows:

The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

6. Permit Term 1 of Permit 13525 (Application 17139) shall be amended to read as follows:

The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed 2.5 cubic feet per second to be diverted from June 1 to September 30 (0000005) of each year.

7. Permit Term 7 of Permit 13525 (Application 17139), Permit Term 13 of Permit 15582 (Application 17149), and Permit Term 13 of Permit 15581 (Application 17235) are deleted.

8. A new Permit Term 8 of Permit 679 (Application 1379), a new Permit Term 9 of Permit 12049 (Application 18414), a new Permit Term 7 of Permit 13525 (Application 17139), a new Permit Term 13 of Permit 15582 (Application 17149), and a new Permit Term 13 of Permit 15581 (Application 17235) are added as follows:

Permittee shall install and properly maintain water meters or other appropriate measuring devices satisfactory to the State Water Resources Control Board which are capable of measuring and recording the amount(s) of water being diverted from each source of supply for beneficial use and the amount(s) of water delivered for beneficial use in the State of Nevada and furnish monthly records of measurements to the Board in the annual progress report(s) by permittee. (006 0046)

9. A new Permit Term 9 of Permit 679 (Application 1379), a new Permit Term 10 of Permit 12049 (Application 18414), a new Permit Term 8 of Permit 13525 (Application 17139), a new Permit Term 14 of Permit 15582 (Application 17149), and a new Permit Term 14 of Permit 15581 (Application 17235) are added as follows:

This permit is subject to the continuing authority of the State Water Resources Control Board in accordance with policy for the administration of water rights in the Lake Tahoe Basin to reduce the amount(s) of water named in the permit(s) upon a finding by the Board that the amount(s) listed in the permit(s) are in excess of that reasonably needed for the authorized uses. Water requirements will be estimated using land use densities in the permitted place of use as authorized by local ordinances or as they may be modified by the final order of the Tahoe Regional Planning Agency. No further action will be taken by the Board without prior notice to the permittee and an opportunity for hearing.

(0000012)

10. A new Permit Term 10 of Permit 679 (Application 1379), a new Permit Term 11 of Permit 12049 (Application 18414), a new Permit Term 9 of Permit 13525 (Application 17139), a new Permit Term 15 of Permit 15582 (Application 17149), and a new Permit Term 15 of Permit 15581 (Application 17235) are added as follows:

No water shall be used under this permit until the permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, Lahontan Region, pursuant to Water Code Section 13260, and the regional board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that water discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the regional board or State Board are being met.

No discharges of waste to surface water shall be made unless waste discharge requirements are issued by a regional board or the State Board. A discharge to groundwater without issuance of a waste discharge requirement may be allowed if after filing the report pursuant to Section 13260:

- (1) the regional board issues a waiver pursuant to Section 13269, or
- (2) the regional board fails to act within 120 days of the filing of the report.

No report of waste discharge pursuant to Section 13260 of the Water Code shall be required for percolation to the groundwater of water resulting from the irrigation of crops.

(0290101)

11. A new Permit Term 11 of Permit 679 (Application 1379), a new Permit Term 12 of Permit 12049 (Application 18414), a new Permit Term 10 of Permit 13525 (Application 17139), a new Permit Term 16 of Permit 15582 (Application 17149), and a new Permit Term 16 of Permit 15581 (Application 17235) are added as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are

in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

12. A new Permit Term 12 of Permit 679 (Application 1379), a new Permit Term 13 of Permit 12049 (Application 18414), a new Permit Term 11 of Permit 13525 (Application 18414), a new Permit Term 17 of Permit 15582 (Application 17149), and a new Permit Term 17 of Permit 15581 (Application 17235) are added as follows:

a. The total annual diversion and use allowed under each permit shall not exceed the following:

Permit 679, Application 1379	280 acre-feet
Permit 13525, Application 17139	See Subdivision "b" of this term.
Permit 15582, Application 17149	See Subdivision "b" of this term.
Permit 15581, Application 17235	See Subdivision "b" of this term.
Permit 12049, Application 18414	49.7 acre-feet

b. Decision 1056 adopted February 15, 1962 states:

"The total amount of water to be appropriated by direct diversion under Applications 17149 and 17235 and under rights, if any, acquired from Brockway Water Company (Oakwood Investment Company) shall not exceed 240 acre-feet in any calendar month or 1,900 acre-feet in any year."

(0000005)

Permittee has acquired Permit 13525 (Application 17139) from the Oakwood Investment Company.

13. A new Permit Term 13 of Permit 679 (Application 1379) is added as follows:

Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(0000010)

14. Order No. WR 73-10 shall remain in effect except as said Order amended Permit Term 3 of Permit 13525 (Application 17139), Permit Term 9 of Permit 15582 (Application 17149), and Permit Term 9 of Permit 15581 (Application 17235).

15. The amendments to Permit 679 (Application 1379) by Orders dated February 26, 1973 and May 22, 1968 and the amendments to Permit 12049 (Application 18414) by the Order dated April 26, 1973 are hereby deleted because the permit terms added above incorporated said amendments.

Dated: April 19, 1979

WE CONCUR:

/s/ W. DON MAUGHAN
W. Don Maughan, Chairman

/s/ WILLIAM J. MILLER
William J. Miller, Member

/s/ L. L. MITCHELL
L. L. Mitchell, Member

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ROOM 1015, RESOURCES BUILDING

1416 NINTH STREET • SACRAMENTO 95814



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND
AMENDING PERMIT

PERMIT 12049

APPLICATION 18414

WHEREAS:

1. A PETITION FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT AND APPLY THE WATER TO THE PROPOSED USE HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD.
2. GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME, PROVIDED THE CONDITIONS SET FORTH IN THIS ORDER ARE IMPOSED.
3. IT IS DEEMED NECESSARY TO MEASURE THE AMOUNTS DIVERTED.
4. THE STATE WATER RESOURCES CONTROL BOARD HAS DULY AUTHORIZED THE CHIEF, DIVISION OF WATER RIGHTS, TO SIGN THIS ORDER.

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE
APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1975 (0000008)

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL
BE COMPLETED ON OR BEFORE DECEMBER 1, 1975 (0000009)

THE CONDITIONS ARE:

1. THE PERMIT IS SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH ITS POLICY FOR THE ADMINISTRATION OF WATER RIGHTS IN THE LAKE TAHOE BASIN TO REDUCE THE AMOUNT OF WATER NAMED IN THE PERMIT UPON A FINDING BY THE BOARD THAT THE AMOUNT IS IN EXCESS OF THAT REASONABLY NEEDED FOR THE AUTHORIZED USES. WATER REQUIREMENTS WILL BE ESTIMATED USING LAND USE DENSITIES IN THE PERMITTED PLACE OF USE AS AUTHORIZED BY LOCAL ORDINANCES OR AS THEY MAY BE MODIFIED BY THE FINAL ORDER OF THE TAHOE REGIONAL PLANNING AGENCY. NO ACTION WILL BE TAKEN BY THE BOARD WITHOUT PRIOR NOTICE TO THE OWNER AND AN OPPORTUNITY FOR HEARING.
2. PERMITTEE SHALL INSTALL AND PROPERLY MAINTAIN WATER METERS OR OTHER MEASURING DEVICES, BY DECEMBER 1, 1973, SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH ARE CAPABLE OF MEASURING THE AMOUNT OF WATER BEING DIVERTED FROM EACH SOURCE OF SUPPLY FOR BENEFICIAL USE AND FURNISH MONTHLY RECORDS OF SUCH MEASUREMENTS TO THE BOARD IN THE ANNUAL PROGRESS REPORT BY PERMITTEE.

3. THE TOTAL ANNUAL DIVERSION AND USE ALLOWED UNDER SAID PERMIT 12049 SHALL NOT EXCEED 49.7 ACRE-Feet. (0000005)

4. PARAGRAPH 7 OF THE PERMIT IS AMENDED AS FOLLOWS: ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (0000012)

5. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (0000013)

DATED: APR 26 1973

K. L. Woodward
K. L. WOODWARD, CHIEF
DIVISION OF WATER RIGHTS

THE FIRST PART OF THE REPORT IS A SUMMARY OF THE WORK DONE DURING THE YEAR 1967. THE SECOND PART IS A SUMMARY OF THE WORK DONE DURING THE YEAR 1968.

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10-10-68

10-10-68

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 18414PERMIT 12049

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

THE STATE WATER RIGHTS BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 12049; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE

DECEMBER 1, 1969 (0000009)

DATED: SEP 6 1967

L. K. Hill
L. K. HILL
EXECUTIVE OFFICER

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 18414

PERMIT 12049

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

THE STATE WATER RIGHTS BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSIONS OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 12049; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

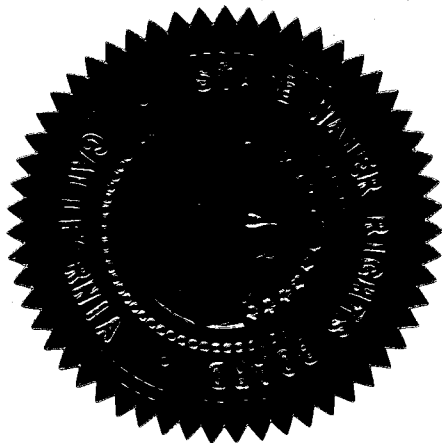
CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1966
(0000008)

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1966
(0000009)

WITNESS MY HAND AND THE SEAL OF THE STATE WATER RIGHTS BOARD

THIS 16th day of March, 1965

L. K. Hill
L. K. HILL
EXECUTIVE OFFICER



[For full information concerning the filling out of this form refer to
Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 18414 Filed November 17, 1958 at 4:56 P.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

Notice of Change (Over)

I, Lake Forest Water Company
Name of applicant
of 600½ Elefa Street, Roseville County of Placer
Address
State of California, do hereby make application for a permit to appropriate the
following described unappropriated waters of the State of California, **SUBJECT TO VESTED RIGHTS:**

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is (1) Dollar Creek (2) Lake Tahoe
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed
located in Placer County, tributary to (1) Lake Tahoe (2) Truckee River

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 0.12* cubic foot per second ~~substantially~~
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day
*From either or both sources
to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use _____ acre-feet
1 acre-foot equals 325,851 gallons
per annum, to be collected between _____ and _____ of each season.
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is Domestic
Domestic, irrigation, power, municipal, mining, industrial, recreational
_____ purposes.

4. The point of diversion is to be located (1) 700' North and 700' West of SW corner of Section 28.
State bearing and distance or coordinate distances from section or quarter section corner
(2) 550' East and 1310' North of S½ corner Section 28.

being within the (1) SE¼ of SE¼ (2) SW¼ of SE¼
State 40-acre subdivision of public land survey or projection thereof
(1) 29 of Section (2) 28, T. 16N, R. 17E, MD B. & M., in the County of Placer

5. The main conduit terminates in (1) SE¼ of SW¼ (2) SW¼ of SE¼ of Sec. 28, T. 16N, R. 17E, MD B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from lake
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting ~~dam~~ being sump 0 feet in height (stream bed to level of overflow); _____ feet long on top; and constructed of Redwood
Concrete, earth, brush, etc.

(c) The storage dam will be _____ feet in height (stream bed to overflow level); _____ feet long on top; have a freeboard of _____ feet, and be constructed of _____
Concrete, earth, etc.

7. Storage Reservoir _____

Name

The storage reservoir will flood lands in _____

Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of _____ acres, and a capacity of _____ acre-feet.

In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

8. Conduit System (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) _____ feet; width at bottom _____ feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials _____ of construction _____ Earth, rock, timber, etc.

(b) Pipe line: Diameter 3860 ft. 3 inches
Fall from intake to outlet 298 feet; kind Steel
Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. The estimated capacity of the diversion conduit or pumping plant proposed is 140 gallons per minute
The estimated cost of the diversion works proposed is _____
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work will begin on or before _____ completed
Construction work will be completed on or before _____ completed
The water will be completely applied to the proposed use on or before _____ completed

Description of Proposed Use

11. Place of Use. Set of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 28, T16N, R17E, MDB&M.
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Do (es) applicant(s) own the land whereon use of water will be made? no
Jointly? Yes or No
water system If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. Other Rights. Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1.				
2.				
3.				
4.				

Attach supplement at top of page 3 if necessary.

13. Irrigation Use. The area to be irrigated is _____ acres.
State net acreage to be irrigated _____ acres; alfalfa _____ acres; pasture _____ acres.
NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ and end about _____
Beginning date _____ Closing date _____

14. Power Use. The total fall to be utilized is _____ feet.
The maximum amount of water to be used through the penstock is _____ cubic feet per second.
The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.
The use to which the power is to be applied is _____
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____
Turbine, Pelton wheel, etc.

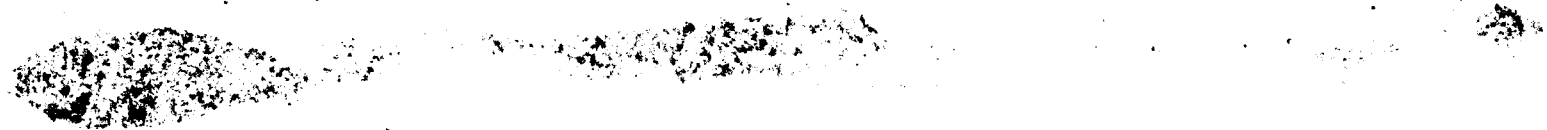
The size of the nozzle to be used is _____ inches.

The water will not be returned to _____ of _____
Name stream _____
State 40-acre subdivision _____
B. & M. _____

Application 18414

Permit 12049

2/10/76 Assigned to North Tahoe Public Utility District



15. Municipal Use. This application is made for the purpose of serving _____

Name city or cities, town or towns. Urban areas only

_____ having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. Mining Use. The name of the mining property to be served is _____

Name of claim

_____ and the nature of the mines is _____

Gold placer, quartz, etc.

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____

Cubic feet per second, gallons per minute. State basis of estimate

The water ^{will} _{will not} be polluted by chemicals or otherwise _____

Explain nature of pollution, if any

and it ^{will} _{will not} be returned to _____

Name stream

in _____

State 40-acre subdivision

of _____

Sec. _____, T. _____, R. _____, _____ B. & M.

17. Other Uses. The nature of the use proposed is _____

domestic

Industrial, recreational, domestic, stockwatering, fish culture, etc.

State basis of determination of amount needed. 92 lots

Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

75 houses at 10 persons each at 50 gallons per day.

industrial use, and unit requirements.

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes If not, state specifically the time required for filing same _____
Yes or No

19. Does the applicant own the land at the proposed point of diversion? No If not, give name and address of owner and state what steps have been taken to secure right of access thereto deeded easement.
Yes or No

20. What is the name of the post office most used by those living near the proposed point of diversion?

Tahoe City, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? None known

[SIGNATURE OF APPLICANT] /s/ T. E. Finger (owner)

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 12049

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed twelve hundredths (0.12) cubic foot per second to be diverted from January 1 to December 31 of each year; all as more explicitly set forth in paragraph 2(a) of this approved water right application. (0000005)
2. The maximum amount herein stated may be reduced in the license if investigation so warrants. (0000006)
3. Actual construction work shall begin on or before June 1, 1960, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked. (0000007)
4. Said construction work shall be completed on or before December 1, 1962. (0000008)
5. Complete application of the water to the proposed use shall be made on or before December 1, 1963. (0000009)
6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued. (0000010)
7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water. (0000012)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

NOV 12 1959

Dated:



STATE WATER RIGHTS BOARD

L. K. Hill
L. K. Hill
Executive Officer

IMPORTANT
[Please Read Carefully]

1. Note the terms and conditions of this permit. Construction work must be prosecuted, and the water applied to the beneficial uses intended with due diligence. Annual reports of progress will be expected from you upon forms which will be furnished for the purpose. When the water has been fully applied to the beneficial uses intended the Water Code requires that you notify the State Water Rights Board thereof.
2. Neither this application nor the permit is a water right, but if the terms and conditions of the permit are observed a water right can be obtained through beneficial use of the water—the extent of the right to be determined by a field inspection which will be made by a representative of the State Water Rights Board.
3. No change in point of diversion, or place of use or character of use, can be made under this application and permit without the approval of the State Water Rights Board.
4. If the rights under this permit are assigned immediate notice to that effect with the name and address of the new owner should be forwarded to the State Water Rights Board, Sacramento, California.
5. Please advise immediately of any change of address. Until otherwise advised communications will be sent to the address used in the letter transmitting this permit.